

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

TIFFANY HARTLEY,
c/o Judicial Watch, Inc.
425 Third Street, SW Suite 800
Washington, DC 20024,

Plaintiff,

Civil Action No.

V.

U.S. DEPARTMENT OF STATE,
2201 C Street NW
Washington, DC 20520,

Defendant.

COMPLAINT

Plaintiff Tiffany Hartley brings this action against Defendant U.S. Department of State (“State Department”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Tiffany Hartley is an individual and a resident of the state of Colorado. Plaintiff's husband, David Hartley, was shot on September 30, 2010 while Plaintiff and her husband were jet-skiing on Falcon International Reservoir, which is located between Texas and

the Mexican state of Tamaulipas. Plaintiff's husband fell into the reservoir after being shot. He has never been found and is presumed dead. Law enforcement authorities reportedly believe that drug cartel gunmen killed Plaintiff's husband. It is suspected that Plaintiff is seeking records about the U.S. Government's response to her husband's death.

4. Defendant is an agency of the U.S. Government and is headquartered at 2201 C Street NW, Washington, DC 20520. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On June 6, 2011, Plaintiff submitted a FOIA request to Defendant, by facsimile and certified mail, seeking access to the following public records:

(a) Any and all records concerning, regarding, or relating to the September 30, 2010 shooting and presumed death of David Hartley on Falcon International Reservoir ("Falcon Lake") hereafter "September 30, 2010 incident") located between Texas and the Mexican state of Tamaulipas;

(b) Any and all records of any investigation(s) conducted by the Department of Justice concerning, regarding, or relating to the September 30, 2010 incident;

(c) Any and all records of communications, contacts, or correspondence concerning, regarding, or relating to the September 30, 2010 incident or any investigation(s) of the September 30, 2010 incident between the Department of Justice and any of the following:

i. Any employees, officials or representatives of the U.S. Government;

ii. Any employees, officials or representatives of the Mexican Government;

iii. Any employees, officials or representatives of the state of Texas;

iv. Any employees, officials, or representatives of the state of Colorado;

v. Tiffany Hartley, widow of David Hartley, or any representatives of Ms. Hartley;

vi. Any other entity, organization, or individual not specifically described above.

The timeframe for the request was identified as September 30, 2010 to June 6, 2011.

6. By letter dated June 21, 2011, Defendant acknowledged receipt of Plaintiff's request and assigned it Case Control Number 201104567.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant's response to Plaintiff's June 6, 2011 FOIA request was due, at the latest, within twenty working days of June 21, 2011, or by July 20, 2011.

8. As of the date of this Complaint, Defendant has failed to produce any records responsive to Plaintiff's June 6, 2011 FOIA request or demonstrate that responsive records are exempt from production.

9. Because Defendant has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its June 6, 2011 FOIA request pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.


12. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all responsive records to Plaintiff's June 6, 2011 FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: September 15, 2011

Respectfully submitted,

JUDICIAL WATCH, INC.



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